

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37926-2022(O&M)

Date of decision : 31.08.2022

Rajan

... Petitioner

Versus

State of U. T. Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sudesh K. Khurcha, Advocate
for the petitioner.

Mr.A.M.Punchhi, Public Prosecutor for U. T. Chandigarh.

VIKAS BAHL, J.(ORAL)

CRM-31261-2022

This is an application filed for grant of leave under Rule 3-A (i) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file application bearing CRM-29984-2022.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-37926-2022

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.74 dated 18.04.2022, under Sections 147, 148, 149, 323, 307, 452 and 506 IPC, registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner has submitted that the

complete and the challan has been presented and there are total 24 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is also submitted that the petitioner was not named in the FIR, although, the complainant Ravi had specifically named Gulab Singh and two other persons Sunita and Srikant as accused persons and the said Gulab Singh is the father of the girl with whom, the brother of the complainant was in a relationship with and had eloped with. It is contended that the petitioner is sought to be implicated on the basis of the disclosure statement of Dharminder Singh dated 23.04.2022 and has submitted that even as per the said disclosure statement, no specific role or injury has been attributed to the present petitioner.

Learned Public Prosecutor appearing for the U.T., Chandigarh has opposed the present petition for regular and has submitted that the petitioner, along with other co-accused, had caused injuries to five persons and three injuries suffered by complainant Ravi have been declared to be grievous in nature.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 08.06.2022 and the investigation is complete and the challan has been presented and there are total 24 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and he has not been named in the FIR although, three persons have been specifically named as accused in the FIR including Gulab Singh, who is the father of the girl, who has allegedly eloped with the brother of

the complainant. The petitioner has been implicated on the basis of disclosure statement of co-accused Dharminder Singh, perusal of which would show that no specific injury has been attributed to the present petitioner in the said statement. The said co-accused of the petitioner Dharminder has already been granted regular bail vide order dated 23.08.2022 passed by this Court in CRM-M-32748-2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to his being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

August 31, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No